

**BEFORE THE TENNESSEE REGULATORY AUTHORITY AT
NASHVILLE, TENNESSEE**

July 23, 2003

IN RE:

**PETITION OF ON-SITE SYSTEMS, INC. TO AMEND ITS
CERTIFICATE OF CONVENIENCE AND NECESSITY**

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**DOCKET NO.
03-00287**

**ORDER APPROVING PETITION OF ON-SITE SYSTEMS, INC.
TO AMEND ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

This matter came before Chairman Deborah Taylor Tate, Director Sara Kyle, and Director Ron Jones of the Tennessee Regulatory Authority (the "TRA" or "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 7, 2003 to consider the Petition (the "Petition") of On-Site Systems, Inc. ("On-Site") to amend its Certificate of Public Convenience and Necessity ("CCN") to expand its service area to include an area known as Cedar Hill Baptist Church in Robertson County, Tennessee.

Legal Standard for Granting CCN

No public utility is permitted to begin construction or operation of a new utility facility or service before obtaining the approval of the TRA. The procedure for obtaining such approval is outlined in Tenn. Code Ann. § 65-4-201(a), which reads in pertinent part as follows:

No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction,

establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

Background

On April 6, 1994, On-Site received a CCN in Docket No. 93-09040 from the Tennessee Public Service Commission to provide wastewater service to the Oakwood Subdivision in Maury County. Since that time, through various other dockets, On-Site has been granted approval to expand its service territory to include other areas in Tennessee.

Petition to Amend CCN

On April 16, 2003, On-Site filed the Petition to amend its CCN to expand its service area to include Cedar Hill Baptist Church. A map showing the area to which On-Site proposes to extend service is attached to the Petition. On-Site filed commercial rate schedules in this docket which comport with the rate adjustment for commercial customers approved by the TRA in Docket No. 00-01128.¹

In the Petition, On-Site contends that the City of Cedar Hill has neither the desire nor the ability to provide sewer service to Cedar Hill Baptist Church. In support of this contention, On-Site submitted a letter dated February 11, 2003 from Michael Heatherly, Mayor of the City of Cedar Hill. On-Site also provided a letter from Howard R. Bradley, Robertson County Executive, dated June 20, 2003, confirming that Robertson County does not provide sewer service and therefore, would not be providing such service to Cedar Hill Baptist Church.

¹ See Order Approving Amendment of On-Site Systems, Inc.'s Certificate of Public Convenience and Necessity, Franchise, and Commercial Rate Adjustment, Docket No. 00-01128 (October 23, 2001).

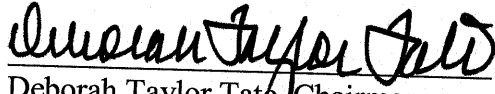
July 7, 2003 Authority Conference

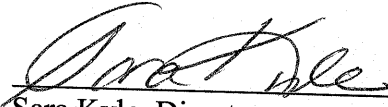
The voting panel assigned to this docket considered On-Site's Petition at the regularly scheduled Authority Conference held on July 7, 2003 and voted unanimously to approve the Petition.

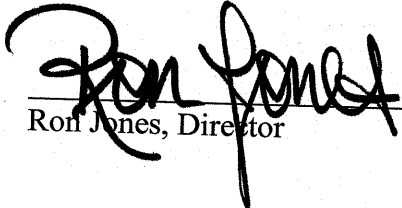
IT IS THEREFORE ORDERED THAT:

1. The Petition of On-Site Systems, Inc. to amend its Certificate of Public Convenience and Necessity to expand its service area to include an area known as Cedar Hill Baptist Church in Robertson County, Tennessee, as shown in the map attached to the Petition, is approved.

2. On-Site's rates for sewer service to Cedar Hill Baptist Church shall be as provided in the commercial rate schedule filed with On-Site's Petition and referenced in this Order.


Deborah Taylor Tate, Chairman


Sara Kyle, Director


Ron Jones, Director